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**DATE:** April 30, 2004  
**TO:** Mail Stop Non-Fee Amendment  
**FROM:** Eric Cernyar, Reg. No. 45,919  
**RE:** Response to Office Action in 09/488,390  
**FAX #:** (703) 872-9306

No of pages (including this cover sheet): 11

**MESSAGE:**

Re: Applicant: David M. Tumey  
Serial No.: 09/488,390  
Filed: 1/19/2000  
Examiner: Vikkram Bali  
Art Unit: 2623  
Title: Animated Toy Utilizing Artificial Intelligence  
and Facial Image Recognition  
Our File No.: TUMEY.001

Enclosed please find:

1. Transmittal Form; and
2. Response to Office Action

PTO/SB/21 (02-04)

Approved for use through 07/31/2008. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

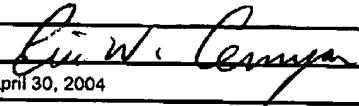
Total Number of Pages in This Submission

Application Number	09/488,390
Filing Date	1/19/2000
First Named Inventor	David M. Turney
Art Unit	2623
Examiner Name	Ball, Vikram
Total Number of Pages in This Submission	Attorney Docket Number
	TUMEY.001

**ENCLOSURES (Check all that apply)**

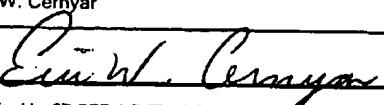
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		Remarks
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Eric W. Cernyar, Reg. No. 45,919
Signature	
Date	April 30, 2004

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Eric W. Cernyar
Signature	
Date	April 30, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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APR 30 2004

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*(P&NE)**#101-PJ**Refiled 1-21-05*

Appl. No. : 09/488,390 Confirmation Number: 4399  
Applicants : David M. Tumey, Tianning Xu  
Filed : 01/19/2000  
Title : Animated Toy Utilizing Artificial Intelligence and Facial Image Recognition  
Assignee : Intelligent Verification Systems  
TC/A.U. : 2623  
Examiner : Vikkram Bali  
  
Docket No. : Tumey.001

Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO JANUARY 30, 2004, OFFICE ACTION**

Sir:

Please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begin on page 2 of this paper.

**Remarks/Arguments** begin on page 8 of this paper.